

doi:10.1017/S0268416014000198

Maria R. Boes, *Crime and punishment in early modern Germany: courts and adjudicatory practices in Frankfurt am Main, 1562–1696* (Farnham: Ashgate, 2013). Pages xi + 279. £65 hardback.

In *Crime and punishment in early modern Germany*, Maria Boes returns to the city and era that have constituted the centre of her research career: Frankfurt in the sixteenth and seventeenth centuries (three of the book's chapters have been previously published). As in her previous publications, she uses the records of Frankfurt's city court, in particular its *Strafenbuch* (book of punishments), to probe Frankfurt's legal and court practices.

The book commences with a conventional overview of the social, economic, political and legal landscape of Frankfurt (chapters one to three). Boes then delves into the book's titular themes: crime and punishment. Using criminal trials as her principal source and working in microhistorical detail, Boes relates 22 cases of gypsies illegally entering Frankfurt and charged with stealing (chapter four), gentiles mugging Jews and Jews retaliating (chapters five and six), mothers being accused of infanticide or committing suicide after the birth of an illegitimate child (chapters seven, eight and nine), and homosexual males engaging in illicit sexual behaviour (chapter ten). All were tried for their offences before Frankfurt's city court, with their trials, testimony and legal opinions of trained jurists recorded in Frankfurt's *Strafenbuch* which Boes supplements with the minutes of city council and mayors' meetings.

Boes argues, rather repetitively, that her focal groups were unfairly treated and harshly punished by Frankfurt's city court. She contrasts their treatment with that accorded to soldiers, an ever-growing presence in Frankfurt, who often filled policing roles, and who were usually treated leniently (chapter eleven). Boes sees this as a step towards 'a quasi-militarized civilian court' (p. 272).

For Boes, Frankfurt's advocates, who advised the court on almost every verdict, were crucial in producing this prejudicial dynamic. Whereas other contemporary German polities consulted university legal faculties for guidance, Frankfurt relied on its own cadre of legally trained jurists. The jurists, who became increasingly intertwined through marriage and civic prestige with Frankfurt's patrician elite, gradually saw their power rise (according to Boes), which enabled them to set Frankfurt on a new judicial path. In her, at times anachronistic, analysis, the jurists are repeatedly criticised for fearing God's wrath, for citing the Bible in a secular court, for not adhering to an objective and uniform jurisprudence, and for harshly punishing Boes's focal groups.

Crime and punishment seems caught between two projects. On the one hand, it documents how 'subaltern' groups such as gypsies, Jews, women and homosexuals experienced and were judged by the Frankfurt courts. On the other hand, it outlines the story of Frankfurt's advocates and the reforms they introduced, which were part of the shift from customary to learned law in much of Europe. However, in Boes's account, neither story is fully told nor adequately assessed. For the former, in looking at only completed legal trials – and just 22 of them over 134 years (the vast majority of which occurred in the latter half of the seventeenth century) – Boes restricts herself to a very narrow sample. In so doing, she ignores the manner in which people typically encountered courts and the law. This was, after all, a period in which the vast majority of legal processes,

even criminal cases, terminated without a verdict.¹ In how many other cases were members of her focal groups charged but not further judicially pursued? We are not informed. If her goal is to evaluate these groups' experiences, then Boes needs to cast a wider net, one which includes sources other than completed trials.

Her account and critique of Frankfurt's advocates founder on a comparable limitation: assessing them from a small and specialised portion of their cases cannot provide a basis for more general conclusions. Despite the lack of a larger and more representative sample, Boes extrapolates to make general statements about the law, the courts and legal change in Frankfurt in this period. The result, not surprisingly, is unconvincing.

Finally, within German historiography, *Kriminalitätsgeschichte*, the history of crime, has been one of the most significant and influential domains of the last quarter-century. Yet Boes barely engages with this literature. Particularly conspicuous is the lack of reference to Joachim Eibach's seminal study of crime in Frankfurt.² Given her topic, the paucity of her references to this literature and her seeming innocence of its relevance are striking and will deter scholars from making productive use of her research. Not engaging with the historiographical conversation prevents Boes from appropriately situating her cases within the broader legal and criminal contexts and developments of the period.

To end on a more positive note, Boes's selection of women, Jews, gypsies and homosexuals as focal actors is to be commended. We need more research on how these groups (especially the last three) encountered the judiciary. However, such work needs to take a more holistic approach, one grounded in the relevant historiography.

JOHN JORDAN

Department of History, University of Bern

ENDNOTES

1 Martin Dinges, 'Justiznutzungen als soziale Kontrolle in der Frühen Neuzeit', in Andreas Blauert and Gerd Schwerhoff eds., *Kriminalitätsgeschichte: Beiträge zur Sozial- und Kulturgeschichte der Vormoderne* (Constance, 2000), 503–44.

2 Joachim Eibach, *Frankfurter Verhöre: städtische Lebenswelten und Kriminalität im 18. Jahrhundert* (Paderborn, 2003).